

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

EXHIBIT  
N

|                          |   |                           |
|--------------------------|---|---------------------------|
| TRACEY WHITE, et al.,    | ) |                           |
|                          | ) |                           |
| Plaintiffs,              | ) |                           |
|                          | ) |                           |
| vs.                      | ) | Cause No. 14-cv-01490-HEA |
|                          | ) |                           |
| THOMAS JACKSON, et al. , | ) |                           |
|                          | ) |                           |
| Defendants.              | ) |                           |

VIDEO DEPOSITION OF TRACEY WHITE

Taken on behalf of the Defendants  
RYAN, McCOY, McCANN, BELMAR, and ST. LOUIS COUNTY

September 29, 2015

Reported by: Christine A. LePage, CCR #1000

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1 court, for example, if they're under the age of 17?

2 A Yes.

3 Q So he was 17?

4 A Yes.

5 Q And it's not true that you were thrown to the  
6 ground inside the McDonald's restaurant?

7 A I was not thrown to the ground inside of a  
8 McDonald's restaurant.

9 Q And it's true that -- It's true that your son  
10 was not arrested inside the McDonald's restaurant?

11 A That's true.

12 Q It's true that you were not arrested inside the  
13 McDonald's restaurant?

14 A That's true.

15 Q You've sued several individual officers saying  
16 that they arrested you and assaulted you, one is Officer  
17 Cosma. Do you know what he looks like?

18 A No, sir.

19 Q Do you know one way or the other if an Officer  
20 Cosma arrested you?

21 A I don't recall Officer Cosma arresting me, I  
22 only -- No, I don't know that.

23 Q And also Officer Cosma did not assault you?

24 A I'm not certain that it was Officer Cosma, I'm  
25 not certain it was him.

1 Q And what about Officer McCoy?

2 A I'm not certain. They didn't have on badges.

3 Q What about Officer McCann?

4 A I'm not certain that -- of an Officer McCann.

5 Q What about Officer Ryan?

6 A No, I'm not.

7 Q Could you tell me now what Ryan looks like?

8 A No, sir.

9 Q Can you tell me what McCann looks like?

10 A No, sir.

11 Q Can you tell me what McCoy looks like?

12 A No, sir.

13 Q Can you tell me what Cosma looks like?

14 A No, sir.

15 Q The officer who threw you on the ground, you  
16 indicated you don't know what color uniform he was  
17 wearing; is that correct?

18 A I don't recall what color uniform.

19 Q Do you recall what his race was?

20 A Caucasian.

21 Q Okay.

22 A Yeah, he appeared to be Caucasian.

23 Q So at the time you were on the ground and being  
24 cuffed, it was at that point you said that an officer  
25 placed his knee on your back?

1 Q Do you understand that you've sued Tom Jackson?

2 A Is he with the City of Ferguson? Yes.

3 Q Well, I'm going to ask you for any knowledge  
4 that you have whatsoever regarding Tom Jackson and your  
5 arrest in 2014, specifically on August 13th. First, do  
6 you know who Tom Jackson is?

7 A I do not.

8 Q Okay. I'll represent to you that he's my client  
9 that you've sued. My question is what, and to your  
10 knowledge, what is it that either that you allege or that  
11 you believe Mr. Jackson did to you?

12 MR. LATTIMER: I'm going to object, Ms. White  
13 didn't file the complaint, her counsel did. But you can  
14 answer to the extent that you know.

15 A And the question was?

16 Q (by Mr. Plunkert) Please let me know any  
17 activity or actions that Mr. Jackson took with respect to  
18 your August 13th arrest or beyond.

19 A None that I'm aware of.

20 Q You also are aware that I represent Officer  
21 Justin Cosma, correct?

22 A If he's --

23 Q I'll represent to you --

24 A Yes. Yes.

25 Q -- I do represent Mr. Cosma, Officer Cosma. My

1 question to you, have you ever met Officer Cosma before?

2 A I don't believe I have. I'm not knowledgeable  
3 of it.

4 Q And, again, on August 13th of 2014, you're  
5 unable to describe his appearance, are you?

6 A I'm not able to describe him.

7 Q Okay. Do you know if he's Caucasian or  
8 African-American?

9 A I don't know if he's Caucasian or  
10 African-American.

11 Q You don't know his height or his hair color,  
12 correct?

13 A I do not know his height or hair color.

14 Q And are you aware that you sued him as well?

15 A I am now because you told me that he was your  
16 client.

17 Q Okay. Tell me in your words any action Officer  
18 Cosma made with respect to your August 13th of 2014  
19 arrest, if any.

20 A I'm unaware of his direct actions to me, no one  
21 was wearing badges.

22 Q Do you know why, then, you sued Officer Cosma?

23 MR. LATTIMER: Objection, as I said, she didn't  
24 sue anybody, her counsel filed the complaint based upon  
25 information that was provided.

1 make a concise objection and if I want to know more about  
2 the objection I'll ask you and you can expound on it, but  
3 until then you make sure that it's concise and the witness  
4 will answer subject to the objection.

5 MR. LATTIMER: But normally people don't ask  
6 questions that they know are improper, not knowingly.

7 MR. PLUNKERT: Well, let me reask this question.

8 MR. LATTIMER: I mean, because you know it's  
9 improper.

10 MR. PLUNKERT: No, I disagree. But I'll reask  
11 it.

12 MR. LATTIMER: You think that she filed the  
13 complaint?

14 MR. PLUNKERT: I believe you filed a complaint  
15 on her behalf.

16 MR. LATTIMER: Right. You've said that her  
17 lawyers filed the complaint, but you're asking her about  
18 what certain things did after she's told you that she  
19 couldn't identify any of the officers, and that the only  
20 way the officers were identified was because her counsel  
21 investigated and identified them.

22 MR. PLUNKERT: Well, this is not -- I'm not  
23 asking you any more for clarification on your objections,  
24 so I'll reask the question.

25 Q (by Mr. Plunkert) Ma'am, let me ask you a

1 different question, okay? Do you understand that you're a  
2 plaintiff in a federal lawsuit?

3 A Yes.

4 Q And do you understand that as a plaintiff you  
5 have named Justin Cosma as a defendant?

6 MR. LATTIMER: Objection, misstates the facts.

7 Q (by Mr. Plunkert) Go ahead.

8 A I understand that you've stated that you  
9 represent these individuals and that I'm here today and  
10 that my attorney has filed the suit on my behalf.

11 Q Okay. And I want to know any basis whatsoever  
12 that you, Miss White, have with respect to Justin Cosma's  
13 actions at really any point in time.

14 MR. LATTIMER: Are you asking in her personal  
15 view or/and the view of her and her counsel? Within her  
16 counsel's knowledge or that just within her knowledge?

17 MR. PLUNKERT: I believe the question asked for  
18 you, so it's hers.

19 MR. LATTIMER: Well, you, in form of discovery,  
20 when you use the word "you" --

21 MR. PLUNKERT: Sir, I don't know if this --

22 MR. LATTIMER: -- the instructions in  
23 interrogatories were in the possession of a lawyer as  
24 well, and so what I'm asking you now is make clear to her  
25 that you're talking about her personal, just her, not her

1 counsel.

2 MR. PLUNKERT: Could you please read back the  
3 question?

4 (Whereupon the pending question was read by the  
5 court reporter.)

6 A Me personally? I'm not aware of him.

7 Q (by Mr. Plunkert) If at any point in this  
8 deposition you do think about how you -- if you're able to  
9 identify Mr. Cosma in any way in these proceedings, please  
10 let me know and we can stop answering whatever question  
11 we're on, we'll take that up, okay?

12 A Yes, sir.

13 Q Now, let me ask you about the allegations. Is  
14 it your understanding that you have alleged there was  
15 excessive force used against you on August 13th of 2014?

16 A Yes, sir.

17 Q Okay. Specifically when you -- and I heard your  
18 testimony earlier, you mentioned that there was -- that  
19 you were thrown to the ground, there was a knee placed in  
20 your back, correct?

21 A Yes.

22 Q And is that what you are alleging is the  
23 excessive force, ma'am?

24 A Throw to the ground with the knee, yes.

25 Q Okay. Any other action besides being thrown to

1     you believe there was a knee placed in your back that just  
2     isn't on this video?

3           A     It could be, when I was -- Well, is there  
4     another time when I think that a knee was placed in my  
5     back?

6           Q     Right.

7           A     I'm not certain.

8           Q     You remember -- Well, we'll play it at 3:23.  
9     Okay. We finished the last video, which is 101 of  
10    Exhibit D, ma'am, and that exhausts the videos. At any  
11    point was your recollection refreshed as to where Justin  
12    Cosma may have been, if on the scene at all?

13          A     I don't -- No, sir.

14          Q     Okay. Does it refresh your recollection as to  
15    what involvement, if any, Tom Jackson had?

16          A     No, sir.

17          Q     Okay. I have now here in front of you  
18    Exhibit E, and that's a Google map, ma'am, isn't it?

19          A     Yes, sir.

20          Q     Okay. You notice how there's a McDonald's  
21    that's marked?

22          A     Yes, sir.

23          Q     Okay. Are you able to -- That's a fair and  
24    accurate depiction, an overhead depiction of the subject  
25    area, correct?